

Tumialán, Rosa M.

From: Tumialán, Rosa M.
Sent: Tuesday, October 3, 2017 10:04 AM
To: 'Jewell, Elizabeth'
Subject: RE: Napout [CC-US1.FID389718]

When is the outstanding payment expected? While there were two payments totaling \$2.25M that was only after months and months of constant requests for same and continued excuses for the delay. You have the information requested to make the payments. You are also aware that the continued and consistent delay prejudices Mr. Napout's criminal defense. No threats have been or will be communicated throughout the course of this defense fee recovery effort. What you construe as "unprofessional threats" are just observations based on how your client has acted with respect to similarly situated insureds. In fact it was the fact that your client was facing a *third suit* that Simone and I were able to reach the agreement we did. This can all be addressed very easily — receiving payment for defense fees that are well overdue.

From: Jewell, Elizabeth [<mailto:Elizabeth.Jewell@clydeco.us>]
Sent: Tuesday, October 3, 2017 9:58 AM
To: Tumialán, Rosa M.
Subject: RE: Napout [CC-US1.FID389718]

Rosa,

Your constant threats are both unprofessional and unnecessary. I have regularly responded to your e-mails and was out of the country for the past ten days. I do not believe I need to remind you that Underwriters have transferred the substantial sum of \$2.25 million to Mr. Napout's defense counsel. We continue to review and approve further invoices in due course for payment. That we cannot process them as quickly as defense counsel seem to create them does not mean that Underwriters are in bad faith or ignoring their obligations. Further, I spoke with my clients this morning and they confirmed that they are working on the outstanding payment.

Best,

Liz

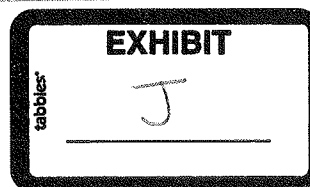
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We have moved! Please note our new address and phone number

From: Tumialán, Rosa M. [<mailto:RTumialan@dykema.com>]
Sent: Tuesday, October 3, 2017 9:22 AM
To: Jewell, Elizabeth



Subject: Napout
Importance: High

Liz- my emails and voicemail have gone unanswered. Is your client going to pay the outstanding defense fees due or do they prefer that we initiate what would be the third case enforcing the same policy language. Additional litigation was what Simone and I worked hard to avoid and I thought that we were successful when the agreement was reached in March 2017. But your silence and your client's inexcusable delay is undoing that. I await your response.

DyKEMA

Rosa M. Tumialán

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